IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5667 OF 2006

Shri Eknath Kondiram Deshmukh ..Petitioner.

V/s.

M/s.Ravindra Masala Mart & Anr. ..Respondents.

Mr.Dnyaneshwar Deshmukh for petitioner.

CORAM : A.P.DESHPANDE, J.

DATED : 25TH APRIL, 2007.

P.C. :-

The petitioner filed a complaint under section 33C(2) of the Industrial Disputes Act claiming wages for overtime and other pecuniary benefits for the period from 1970 to 2000. It is the claim of the petitioner that he has been in service of the respondents for last 30 years. The Labour Court has found that the petitioner has failed to establish that he is actually working with the respondents. In other words, the Labour Court has held that the employee - employer relationship itself is not established. It is noticed by the Court below that the petitioner is the brother-in-law of the respondents and disputes are pending in Civil Courts at Kalyan in relation to immovable properties. Recording the finding that there is no existing adjudicated right in the petitioner to claim the benefits under section 33C(2), the application has been rejected. Perused the order. No interference is called for. Petition is, therefore, summarily dismissed.

(A.P.DESHPANDE, J.)